

BARBARA BOXER, CALIFORNIA
BILL NELSON, FLORIDA
MARIA CANTWELL, WASHINGTON
MARK PRYOR, ARKANSAS
CLAIRE McCASKILL, MISSOURI
AMY KLOBUCHAR, MINNESOTA
MARK BEGICH, ALASKA
RICHARD BLUMENTHAL, CONNECTICUT
BRIAN SCHATZ, HAWAII
EDWARD MARKEY, MASSACHUSETTS
CORY A. BOOKER, NEW JERSEY
JOHN E. WALSH, MONTANA

JOHN THUNE, SOUTH DAKOTA
ROGER F. WICKER, MISSISSIPPI
ROY BLUNT, MISSOURI
MARCO RUBIO, FLORIDA
KELLY AYOTTE, NEW HAMPSHIRE
DEAN HELLER, NEVADA
DAN COATS, INDIANA
TIM SCOTT, SOUTH CAROLINA
TED CRUZ, TEXAS
DEB FISCHER, NEBRASKA
RON JOHNSON, WISCONSIN

ELLEN DONESKI, STAFF DIRECTOR
DAVID SCHWIEBERT, REPUBLICAN STAFF DIRECTOR

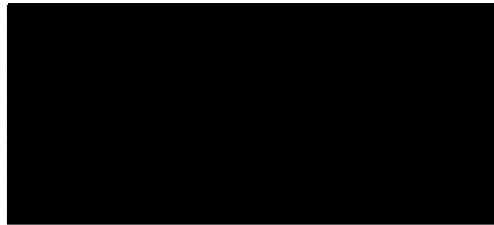
United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: <http://commerce.senate.gov>

September 18, 2014



Dear President [REDACTED]

On July 9, the Senate Committee on Commerce, Science, and Transportation held a hearing on the well-being and academic success of collegiate student-athletes. As Chairman and Members of the Committee with jurisdiction over sports, we wanted to hear first-hand from college athletes, scholars, and the officials at the helm of the organizations governing intercollegiate athletics. Not only have we long been concerned with student welfare, higher education, and the integrity of college sports, but recent events in the courtroom and on campuses made this hearing particularly timely.

The National Collegiate Athletic Association (NCAA) was created to protect college athletes from commercial exploitation. Its purported mission is to promote sports as an avocation – that college athletics, rooted in the ideals of amateurism, are a means toward acquiring an education. The NCAA's member institutions are colleges and universities, often publicly funded, whose primary mission is to provide quality higher education to young men and women. Today, both the NCAA and its member institutions maintain that these ideals still hold true: intercollegiate athletics are not a business but are extracurricular activities meant to supplement, not supplant, the mission of higher education.

However, it is clear to even the most casual observer that college sports, particularly Division I football and basketball, more resemble a multibillion-dollar business rather than an extracurricular activity merely complementing academics in the classroom. Indeed, a student-athlete is often more "athlete" than "student," and critics maintain that schools often value free athletic labor more than academic achievement.

Within this context, at the July hearing, the Committee sought explanations for the weak protections currently given to student-athletes participating in intercollegiate athletic programs under the auspices of the NCAA and its amateurism model: inadequate health care coverage for sports-related injuries, the too common failure to academically prepare young men and women for the workforce after their playing days are over, and financial-aid packages that do not

account for the full cost of attendance. The Committee explored whether student-athletes participating in revenue-generating sports are adequately compensated for the billions of dollars they generate for their schools.

These issues are not new, and we have grown increasingly frustrated with the lack of meaningful progress by the NCAA and its member institutions. The lack of protection and the needs of many student-athletes have continued to go unaddressed. Reports of academic fraud, lack of due process, inadequate health care coverage, and financial insecurity have become all too common in intercollegiate athletics today. And efforts to improve this situation have garnered opposition from many university presidents. In October 2011, for instance, the NCAA Division I Board of Directors voted to allow member institutions to offer multiyear scholarships for college athletes. But, in February 2012, the member institutions attempted to repeal this option, with 62.12 percent voting to repeal the multiyear scholarship option, barely failing to override the decision. Sports-related concussions are another example of institutional negligence. Notwithstanding increasing public awareness – and alarm – about the devastating consequences of concussions, the NCAA and its member schools continue to lack any meaningful rules or procedures with regard to sports-related head injuries.

At our July hearing, what we heard from the NCAA's president, Dr. Mark A. Emmert, was consistent and familiar: he lacks the authority to implement needed reforms to address such longstanding concerns. Ultimately, according to Dr. Emmert, the authority to effect such reforms lies with you – the presidents of the colleges and universities who cast the votes. At the hearing, he testified that “neither I, nor any member of my staff, have a vote on association policy or infractions decisions.” He added, “It's important to note that, appropriately, in my opinion, university presidents themselves are the ultimate decision makers within the association.”

Furthermore, Dr. Emmert claimed that reforming the NCAA's governance and providing more autonomy to the schools in the five biggest conferences – the Big Ten, SEC, Big 12, Pac-12, and ACC – would pave the way for the meaningful reforms that critics have long sought. Since then, on August 7, 2014, the NCAA Division I Board of Directors voted to grant greater autonomy to the “Big Five” conferences. The key rationale was to allow these richest conferences to implement more effective reforms on behalf of their student-athletes.

As the president of a member institution of one of the Big Five conferences, you now possess the authority that Dr. Emmert claimed was necessary to implement real, meaningful reforms to protect student-athletes from commercial exploitation. You can now provide these young men and women with the tools they need to acquire a college education and succeed both on and off the field. Dr. Emmert testified that you wanted this authority to effectuate real reform: “The leadership of the 65 leading universities have said, ‘We simply have to find a better way to make progress.’” As such, we intend to monitor your progress to see whether the very schools and conferences that are often blamed for much of the problems plaguing intercollegiate athletics today effectively utilize the new flexibility you have been granted to implement meaningful reforms to better protect student-athletes.

To help us understand your university's position on NCAA policies and the well-being of student-athletes, we ask that you provide responses to the following questions by Friday, October 17, 2014.

1. Multiyear Scholarships
 - a. Does your university currently provide, or will it provide, multiyear or four-year scholarships to student-athletes? If so, please explain any and all applicable qualifiers, conditions, and limitations to such scholarships.
 - b. Will your university support reforming NCAA policies to require the provision of multiyear or four-year scholarships to student-athletes?
 - c. Does your university currently provide permanent student-athlete scholarships that are not revoked once a player is injured while participating in a sanctioned sports-related event? If not, explain why.
2. Completion of Coursework
 - a. Does your university currently allow or plan to allow student-athletes to complete all coursework, at no cost to the student-athletes, in order to acquire an academic degree after they exhaust their eligibility to participate in athletics? If so, please provide any and all applicable qualifiers, conditions, and limitations.
 - b. Will your university support reforming NCAA policies to require all schools to allow student-athletes to complete coursework toward an academic degree after they exhaust their athletic eligibility?
3. Health Care
 - a. Does your university currently provide, or will it provide, comprehensive health care coverage to student-athletes – during their time at your institution and afterwards – for all sports-related injuries? If so, please provide details on the scope of the coverage, such as cost-sharing and the length of time such coverage will be provided. Also indicate when the university began offering or will begin to offer such coverage.
 - b. Will your university support NCAA policies that mandate all schools provide comprehensive health care coverage for sports-related injuries?
4. Concussions
 - a. Has your university adopted and enforced, or will it adopt and enforce, protocols that minimize the risk of sports-related head injuries? If so, please provide details on such protocols and how the university currently monitors and enforces, or plans to monitor and enforce, strict compliance.
 - b. Will your university support strict, enforceable NCAA rules that minimize the dangers of sports-related head injuries?

5. Time Limitations on Athletic Activity

- a. Does your university currently enforce, or have plans to enforce, strict time limitations on athletics-related activities, including playing time, practice times, and team meetings, in order to allow student-athletes to spend more time on academics and other activities, such as internships and working in a job? If so, please provide details on what those limitations are or will be, and provide details how the university will monitor and enforce strict compliance.
- b. Will your university support strict NCAA enforcement of existing time limitation rules and/or the adoption of new, stronger, and enforceable rules that limit time spent on athletic activities?

6. Academic Progress

- a. Does your university currently monitor or have plans to monitor the academic progress of student-athletes to maximize their chances at academic achievement? If so, please provide details on how you currently monitor or will monitor their progress, how the university provides or plans to provide all necessary resources, and how the university appropriately tailors the curricula to meet individual needs.
- b. Will your university support NCAA policies to better monitor the progress of student-athletes, including after they exhaust their eligibility, and to require institutions to maximize academic achievement (with sufficient resources and appropriately tailored curricula) or to prohibit harmful practices that burden academic achievement?

7. Cost of Attendance

- a. Does your university currently provide or plan to provide financial-aid packages (including scholarships) to student-athletes that cover the full cost of attendance? If so, please provide details on how you calculate the full cost of attendance.
- b. Will your university support reforming NCAA policies to provide all student-athletes with financial-aid packages that cover the full cost of attendance?

8. Financial Compensation

- a. What is your university's position on allowing college athletes to seek some amount of financial compensation stemming from their athletic services – such as for merchandise that use athletes' names or likenesses, autographs, or other types of revenue-generating activities – similar to how Olympic athletes are compensated? If your university would allow such compensation, please provide details on the scope and nature of such activities for which student-athletes would be allowed seek financial compensation.
- b. Do you intend to seek to reform NCAA policies to allow college athletes to seek similar financial compensation?

9. Due Process

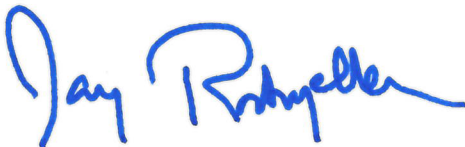
- a. Does your university provide student-athletes adequate information and resources, including but not limited to legal representation, to help student-athletes accused of violating NCAA rules navigate the complexities of NCAA procedure? If so, please provide details on the information and resources available to student-athletes.
- b. Will your university support NCAA policies to provide student-athletes with due process and legal representation when facing NCAA investigations for alleged infractions?

10. Interpersonal Violence


- a. Does your university have a uniform, campus-wide policy in place that is applicable to all students for investigating and adjudicating allegations of interpersonal violence, including but not limited to sexual assault and domestic violence?
- b. Will your university support NCAA policies to require member institutions to develop uniform, campus-wide policies applicable to all students for the handling of allegations of interpersonal violence, including but not limited to sexual assault and domestic violence, and also support such policies prohibiting the involvement of athletic departments in such proceedings?

If you have any questions, please contact Christian Tamotsu Fjeld on the Committee staff at [REDACTED]. Your response can be filed with the Committee via the following email address: [REDACTED]

Sincerely,



John D. Rockefeller IV
Chairman
Committee on Commerce, Science,
and Transportation



Claire McCaskill
Chairman
Subcommittee on Consumer Protection,
Product Safety, and Insurance



Cory A. Booker
Member
Committee on Commerce, Science,
and Transportation